

FIRST REGULAR SESSION

HOUSE BILL NO. 103

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KELLEY (127) (Sponsor), BERRY, DAVIS, REIBOLDT,
REMOLE AND BLACK (Co-sponsors).

0567L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 304.013, 304.032, and 304.034, RSMo, and to enact in lieu thereof three new sections relating to all-terrain and utility vehicle use in municipalities, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 304.013, 304.032, and 304.034, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 304.013, 304.032, and 304.034, to read as follows:

304.013. 1. No person shall operate an all-terrain vehicle, as defined in section 301.010, upon the highways of this state, except as follows:

(1) All-terrain vehicles owned and operated by a governmental entity for official use;

(2) All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;

(3) All-terrain vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads when operated between the hours of sunrise and sunset;

(4) Governing bodies of cities may issue special permits to licensed drivers for special uses of all-terrain vehicles on highways within the city limits. Fees of fifteen dollars may be collected and retained by cities for such permits;

(5) Governing bodies of counties may issue special permits to licensed drivers for special uses of all-terrain vehicles on county roads within the county. Fees of fifteen dollars may be collected and retained by the counties for such permits;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 **(6) Municipalities may by resolution or ordinance allow all-terrain vehicle**
15 **operation on streets or highways under the governing body's jurisdiction as provided in**
16 **section 304.034.**

17 2. No person shall operate an off-road vehicle within any stream or river in this state,
18 except that off-road vehicles may be operated within waterways which flow within the
19 boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within
20 the boundaries of land which an off-road vehicle operator owns or has permission to be upon,
21 or for the purpose of fording such stream or river of this state at such road crossings as are
22 customary or part of the highway system. All law enforcement officials or peace officers of this
23 state and its political subdivisions or department of conservation agents or department of natural
24 resources park rangers shall enforce the provisions of this subsection within the geographic area
25 of their jurisdiction.

26 3. A person operating an all-terrain vehicle on a highway pursuant to an exception
27 covered in this section shall have a valid operator's or chauffeur's license, except that a
28 handicapped person operating such vehicle pursuant to subdivision (3) of subsection 1 of this
29 section, but shall not be required to have passed an examination for the operation of a
30 motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour. When
31 operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not
32 less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag
33 shall be triangular in shape with an area of not less than thirty square inches and shall be
34 day-glow in color.

35 4. No persons shall operate an all-terrain vehicle:

36 (1) In any careless way so as to endanger the person or property of another;

37 (2) While under the influence of alcohol or any controlled substance;

38 (3) Without a securely fastened safety helmet on the head of an individual who operates
39 an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle,
40 unless the individual is at least eighteen years of age.

41 5. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural
42 purposes. The provisions of this subsection shall not apply to any all-terrain vehicle in which
43 the seat of such vehicle is designed to carry more than one person.

44 6. A violation of this section shall be a class C misdemeanor. In addition to other legal
45 remedies, the attorney general or county prosecuting attorney may institute a civil action in a
46 court of competent jurisdiction for injunctive relief to prevent such violation or future violations
47 and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation.

 304.032. 1. No person shall operate a utility vehicle, as defined in section 301.010, upon
2 the highways of this state, except as follows:

3 (1) Utility vehicles owned and operated by a governmental entity for official use;

4 (2) Utility vehicles operated for agricultural purposes or industrial on-premises purposes
5 between the official sunrise and sunset on the day of operation, unless equipped with proper
6 lighting;

7 (3) Utility vehicles operated by handicapped persons for short distances occasionally
8 only on the state's secondary roads when operated between the hours of sunrise and sunset;

9 (4) Governing bodies of cities may issue special permits for utility vehicles to be used
10 on highways within the city limits by licensed drivers. Fees of fifteen dollars may be collected
11 and retained by cities for such permits;

12 (5) Governing bodies of counties may issue special permits for utility vehicles to be used
13 on county roads within the county by licensed drivers. Fees of fifteen dollars may be collected
14 and retained by the counties for such permits;

15 **(6) Municipalities may by resolution or ordinance allow utility vehicle operation**
16 **on streets or highways under the governing body's jurisdiction as provided in section**
17 **304.034.**

18 2. No person shall operate a utility vehicle within any stream or river in this state, except
19 that utility vehicles may be operated within waterways which flow within the boundaries of land
20 which a utility vehicle operator owns, or for agricultural purposes within the boundaries of land
21 which a utility vehicle operator owns or has permission to be upon, or for the purpose of fording
22 such stream or river of this state at such road crossings as are customary or part of the highway
23 system. All law enforcement officials or peace officers of this state and its political subdivisions
24 or department of conservation agents or department of natural resources park rangers shall
25 enforce the provisions of this subsection within the geographic area of their jurisdiction.

26 3. A person operating a utility vehicle on a highway pursuant to an exception covered
27 in this section shall have a valid operator's or chauffeur's license, except that a handicapped
28 person operating such vehicle under subdivision (3) of subsection 1 of this section, but shall not
29 be required to have passed an examination for the operation of a motorcycle, and the vehicle
30 shall be operated at speeds of less than forty-five miles per hour.

31 4. No persons shall operate a utility vehicle:

32 (1) In any careless way so as to endanger the person or property of another; or

33 (2) While under the influence of alcohol or any controlled substance.

34 5. No operator of a utility vehicle shall carry a passenger, except for agricultural
35 purposes. The provisions of this subsection shall not apply to any utility vehicle in which the
36 seat of such vehicle is designed to carry more than one person.

37 6. A violation of this section shall be a class C misdemeanor. In addition to other legal
38 remedies, the attorney general or county prosecuting attorney may institute a civil action in a

39 court of competent jurisdiction for injunctive relief to prevent such violation or future violations
40 and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation.

304.034. 1. Notwithstanding any other law to the contrary, the governing body of any
2 municipality may by resolution or ordinance allow persons to operate golf carts or motorized
3 wheelchairs, **or all-terrain vehicles or utility vehicles as defined in section 301.010**, upon any
4 street or highway under the governing body's jurisdiction. A golf cart [or] , motorized
5 wheelchair, **all-terrain vehicle, or utility vehicle** shall not be operated at any time on any state
6 or federal highway, but may be operated upon such highway in order to cross a portion of the
7 state highway system which intersects a municipal street. No golf cart [or] , motorized
8 wheelchair, **all-terrain vehicle, or utility vehicle** shall cross any highway at an intersection
9 where the highway being crossed has a posted speed limit of more than forty-five miles per hour.

10 2. Golf carts, **all-terrain vehicles, or utility vehicles** operated on city streets shall be
11 equipped with adequate brakes and shall meet any other safety requirements imposed by the
12 governing body. Golf carts **and utility vehicles** are not subject to the registration provisions of
13 chapter 301.

14 3. As used in this section, a "golf cart" means a motor vehicle that is designed and
15 manufactured for operation on a golf course for sporting or recreational purposes and that is not
16 capable of exceeding speeds of twenty miles per hour.

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